

Application No. 10/718,473  
AMENDMENT A dated September 21, 2007  
Reply to Office Action of May 23, 2007

REMARKS

Claims 1-7 remain in this application.

The cheese-based preparation as claimed provides a shiny glance, a cracking breakage behavior and melting characteristics as known from a commercial chocolate product while providing a savoury, non-sweet snack coating material. The cheese-based preparation includes a high content of lactose as compared to the prior art products. Lactose may work as a sugar replacer building the dispersion in the product. By adding lactose the fat content of the product may be reduced.

Independent claim 1 has been amended to recite a lactose content of 32% to 37%. Support for this amendment is in paragraph [0013] of the published application.

Rejection of Claims 1, 2, 4-5 and 7 under 35 USC 102(b) over U.S. Patent No. 4,569,847 to Andrews.

The '847 patent does not describe a level of lactose as now claimed. As indicated by the Examiner in her office action, the '847 patent appears to describe a total lactose content of about 16 to 22%. The claims as now amended require 32% to 37% lactose. The higher lactose content is important in providing a low fat product with acceptable organoleptic properties.

Rejection of Claims 3 and 6 under 35 USC 103(a) over U.S. Patent No. 4,569,847 to Andrews.

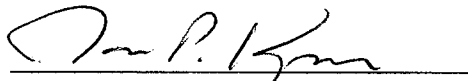
Claims 3 and 6 are dependent on claim 1. In view of the amendment to claim 1 regarding lactose content, Applicant respectfully submits that the rejection to dependent claims 3 and 6 has been obviated. The '847 patent does not describe or suggest the level of lactose as now claimed.

Application No. 10/718,473  
AMENDMENT A dated September 21, 2007  
Reply to Office Action of May 23, 2007

The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135.

Respectfully submitted,  
FITCH, EVEN, TABIN & FLANNERY

Dated: September 21, 2007

  
James P. Krueger  
Registration No. 35,234

120 South LaSalle Street, Suite 1600  
Chicago, Illinois 60603-3406  
Telephone (312) 577-7000  
Facsimile (312) 577-7007  
492305